

ORDINANCE 2019-06

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY COMPREHENSIVE PLAN; REVISING THE FUTURE LAND USE ELEMENT TO ADD THE FUTURE LAND USE DESIGNATION OF MIXED USE; TRANSMITTING SAID AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY FOR A FINDING OF COMPLIANCE; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. FINDINGS AND INTENT. In adopting this Ordinance and amending the City's Future Land Use Element, the City Commission of Polk City, Florida hereby makes the following findings:

(1) Chapter 163, Part II, Florida Statutes, establishes the Community Planning Act ("Act"), which empowers and mandates Polk City, Florida (the "City") to plan for future development and growth and to adopt and amend comprehensive plans, or elements or portions thereof, to guide the future growth and development of the City.

(2) Pursuant to the Act, the City has adopted a comprehensive plan ("Comprehensive Plan").

(3) The Act authorizes a local government desiring to revise its comprehensive plan to prepare and adopt comprehensive plan amendments.

(4) The City has prepared a text amendment to the Future Land Use Element of the Comprehensive Plan to amend Policies 4.2 and 4.3, which would create the "Mixed Use" Future Land Use designation.

(5) In exercise of its authority the Commission has determined it necessary to adopt this amendment to the Plan, which is attached hereto as **Exhibit "A"** and by this reference made a part hereof, to insure that the Plan is in full compliance with the laws of the State of Florida.

(6) Pursuant to Section 163.3184, Florida Statutes, the City Commission held a meeting and hearing on Ordinance 2019-06, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including support documents.

(7) In the exercise of its authority, the City Commission has determined that it is necessary to adopt the proposed text amendment to the Future Land Use Element contained herein to encourage the most appropriate use of land, water, and resources

consistent with the public interest; to deal effectively with future problems that may result from the use and development of land within the City; and to ensure that the Comprehensive Plan is in full compliance with State law.

(8) The City Commission finds that the proposed text amendment to the Future Land Use Element contained herein is in the best interests of the health, safety, and welfare of the general public and the City's residents, furthers the purposes of, and is consistent with, the City's Comprehensive Plan, and is consistent with and compliant with State law, including, but not limited to, Chapter 163, Part II, Florida Statutes.

SECTION 2. FUTURE LAND USE MAP AMENDMENT. The Future Land Use Element of the City's Comprehensive Plan is hereby amended to include the text amendment set forth in Exhibit "A," which is attached hereto and incorporated herein by reference, and which amends Policies 4.2 and 4.3 to create the "Mixed Use" Future Land Use designation.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. CONFLICTS. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. CODIFICATION. An official, true and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk will make copies available to the public for a reasonable publication charge.

SECTION 6. TRANSMITTAL. Within ten (10) days of final passage and adoption of this Ordinance, the City shall forward a copy hereof, and all supporting data and analysis, to the Florida Department of Economic Opportunity and any other agency or local government that provided timely comments to the City, as required by Section 163.3184(3)(c)2, Florida Statutes.

SECTION 7. EFFECTIVE DATE. The effective date of this Plan amendment, if the amendment is not timely challenged, shall be 45 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

INTRODUCED AND PASSED on First Reading this **19th** day of **August**, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS:**

Patricia R. Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ___ day of _____, 2019.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Manager/Clerk

EXHIBIT "A"
POLK CITY ORDINANCE 2019-06

AMENDED FUTURE LAND USE ELEMENT

Proposed Text Amendments to the Future Land Use Element

The proposed amendments to the Comprehensive Plan are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Policy 4.2: The following land use categories are hereby established for the purpose of managing future development and redevelopment activities. The Future Land use categories are identified by location in the Polk City Exemption Area, Polk City Special Protection Area and Polk County Rural Special Protection Area:

a. Polk City Exemption Area Future Land Use Categories
Policy 4.3 of the Future Land Use Element provides density and intensity standards for the following Future Land Use categories.

- i. Residential Very Low Density
- ii. Residential Low Density
- iii. Residential Medium Density
- iv. Mixed Use
- v. Commercial
- vi. Industrial
- vii. Public Use
- viii. Recreation
- ix. Conservation
- x. Conservation/ Passive Recreation

Policy 4.3: Polk City Exemption Area Future Land Use Categories and Description. The following Future Land Use Categories are located

within the Polk City Exemption Area. Policy 4.1.a. provides a description of the Polk City Exemption Area.

- a. The primary function of the Residential Very Low Density classification is to accommodate very low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is 1 dwelling unit per 5 acres for single family uses; agricultural uses are permissible in this category, with or without a dwelling unit included; single family homes with horses are allowed, one home per lot and a minimum density of 1 dwelling unit per 5 acres. This category allows for the establishment of 1 manufactured (mobile) home per 5 acres for undeveloped and previously unplatted areas having severe soil suitability for septic tanks and buildings without basements, until central sewer and water services become available. This category permits schools and other public uses appropriate to agricultural areas and single family neighborhoods.
- b. The primary function of the Residential Low Density classification is to accommodate low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is four dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.
- c. The primary function of the Residential Medium Density classification is to accommodate multi-family residential development. Permitted uses include duplexes, apartments, condominiums, manufactured (mobile) home parks or subdivisions, RV parks, and single family homes. Intensity is one single family home per lot; or one duplex per lot; or two buildings of five units each per lot. Maximum density is 10.0 residential dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.

Ordinance 1239-A: The 63.29 +/- acres located in Sections 28 and 33, Township 26 South, Range 25 East; generally located on Smith Road in the eastern quadrant of the City, shall be designated "Residential Medium" on the Future Land Use Map; shall be developed with central potable water and sewer

and shall be limited to a residential density not to exceed 861 dwelling units (achieved by a density of 6.68 dwelling units per acre on the 63.29 acres, and a density transfer of 6.68 dwelling units per acre from the 65.58 acres of Conservation directly adjacent to the RM); and shall be subject to other applicable land development regulations within the City. (Ordinance 1239-A, December 9, 2008, adoption)

- d. **Mixed Use:** The primary function of the Mixed Use classification is to apply to developments in which a mix of residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.
- de. The primary function of the Commercial classification is to accommodate the shopping needs of residents living in and near Polk City. The Commercial classification permits neighborhood service commercial uses; and accommodates traditional retail commercial needs of the market area both along the highway and in the downtown core of the market area. This category permits schools and other public uses appropriate to commercial areas. Floor area ratio for commercial structures shall not exceed 0.35.
- ef. The primary function of the Industrial classification is to accommodate the industrial needs of the market area, both light industry and heavy industry. This category permits vocational and technical schools and other public uses appropriate to industrial areas. Floor area ratio for industrial structures shall not exceed 0.35.
- fg. The primary function of the Public Uses classification is to provide for areas for existing or future government-owned or leased buildings or grounds including schools, libraries, medical facilities, parks and open space areas; and private buildings or grounds such as hospitals, camps, clubs, private schools, museums and similar land uses. Floor area ratio for public and private use structures under this classification shall not exceed 0.35. For schools, one residential unit per school is permitted to accommodate an on-site security guard/ caretaker. For parks, one residential unit per 40 acres is

permitted to accommodate an on-site security guard/ park ranger.

- gh. The primary function of the Recreation classification is to provide for areas for existing or future public parks, recreation uses and open space areas. Permitted uses include public open space, recreation areas and parks; and private parks and recreation uses, such as golf courses. All recreation uses within Polk City shall be included in this category. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings plus all impervious surface area shall not exceed 5% of the total parcel.
- hi. The primary function of the Conservation classification is to protect natural resources, improve lake, river and groundwater quality. The Conservation designation includes land within the 100-year floodplain of any lake or river; wetlands; soils-limited areas; wellhead protection areas; and ancient scrub lands. No development is allowed in conservation areas. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and all impervious surface shall not exceed 1% of the total land area of the parcel. No other uses are allowed in this classification.
- ij. The primary function of the Conservation/Passive Recreation classification is to protect natural resources while allowing passive recreation. Commercial uses such as equipment rental shops and snack huts are permissible to serve the users of the recreation area. Passive recreation land uses, such as boat docks, beaches and hiking trails are permissible. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and all impervious surface shall not exceed 1% of the total land area of the parcel.
- jk. Public schools are allowed in all land use classifications except Polk City's Future Land Use classifications of Conservation and Conservation/ Passive Recreation. This provision applies to lands contiguous to existing schools, as well as development of vacant land for new schools. Further, Polk City hereby encourages the co-location of public facilities such as parks, libraries, and community centers, with schools,

when planning and reviewing a proposed site for new or expanded facilities, and shall adopt criteria for collocation in the Unified Land Development Code.



TEXT AMENDMENT

**FUTURE LAND USE ELEMENT
OF THE
POLK CITY COMPREHENSIVE PLAN**

JUNE 17, 2019

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance No. 2019-06:** City-initiated text amendment to the Polk City Comprehensive Plan to add the "Mixed Use" Future Land Use designation to the Future Land Use Element.

AGENDA & HEARING DATES:

May 30, 2019 at 6:00 PM: Planning Commission Hearing

June 17, 2019 at 7:00 PM: City Commission (First Reading, Public Transmittal Hearing)

August 19, 2019: City Commission Meeting (Second Reading, Public Adoption Hearing)

AGENDA & HEARING DATES:

On Thursday, May 30, 2019, the Polk City Planning Commission held a public Hearing to amend the Polk City Comprehensive Plan to create a new Future Land Use designation of Mixed Use. The Planning Commission voted unanimously to forward the proposed amendment to the City Commission with a recommendation of approval.

OVERVIEW REPORT:

The Future Land Use Element of the Polk City Comprehensive Plan currently provides for the following Future land Use designations within the Green Swamp Exemption Area of the City.

Residential Very Low Density

Residential Low Density

Residential Medium Density

Commercial

Industrial

Public Use

Recreation

Conservation

Conservation/ Passive Recreation

Staff has determined that a new Future Land Use designation of “Mixed Use” should be added to the Comprehensive Plan. Mixed Use will allow for developments that are comprised of multiple or mixed uses which require specific or selected land use districts. This type of flexible land use category is not set forth by the City’s existing Future Land Use designations.

The proposed text to be added to Policy 4.2 and as Policy 4.3 of the Future Land Use Element is provided below. All subsequent policies will be renumbered.

PROPOSED AMENDMENTS

The proposed amendments to the Comprehensive Plan are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Policy 4.2: The following land use categories are hereby established for the purpose of managing future development and redevelopment activities. The Future Land use categories are identified by location in the Polk City Exemption Area, Polk City Special Protection Area and Polk County Rural Special Protection Area:

a. Polk City Exemption Area Future Land Use Categories

Policy 4.3 of the Future Land Use Element provides density and intensity standards for the following Future Land Use categories.

- i. Residential Very Low Density
- ii. Residential Low Density
- iii. Residential Medium Density
- iv. Mixed Use
- v. Commercial
- vi. Industrial
- vii. Public Use
- viii. Recreation
- ix. Conservation
- x. Conservation/ Passive Recreation

Policy 4.3: Polk City Exemption Area Future Land Use Categories and Description. The following Future Land Use Categories are located within the Polk City Exemption Area. Policy 4.1.a. provides a description of the Polk City Exemption Area.

- a. The primary function of the Residential Very Low Density classification is to accommodate very low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is 1 dwelling unit per 5 acres for single family uses; agricultural uses are permissible in this category, with or without a dwelling unit included; single family homes with horses are allowed, one home per lot and a minimum density of 1 dwelling unit per 5 acres. This category allows

for the establishment of 1 manufactured (mobile) home per 5 acres for undeveloped and previously unplatted areas having severe soil suitability for septic tanks and buildings without basements, until central sewer and water services become available. This category permits schools and other public uses appropriate to agricultural areas and single family neighborhoods.

- b. The primary function of the Residential Low Density classification is to accommodate low density residential development consisting of single family dwellings. This category permits one single family dwelling unit on each lot, along with structures accessory to residential use. Maximum density is four dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.
- c. The primary function of the Residential Medium Density classification is to accommodate multi-family residential development. Permitted uses include duplexes, apartments, condominiums, manufactured (mobile) home parks or subdivisions, RV parks, and single family homes. Intensity is one single family home per lot; or one duplex per lot; or two buildings of five units each per lot. Maximum density is 10.0 residential dwelling units per acre. This category permits schools and other public uses appropriate to residential neighborhoods.

Ordinance 1239-A: The 63.29 +/- acres located in Sections 28 and 33, Township 26 South, Range 25 East; generally located on Smith Road in the eastern quadrant of the City, shall be designated "Residential Medium" on the Future Land Use Map; shall be developed with central potable water and sewer and shall be limited to a residential density not to exceed 861 dwelling units (achieved by a density of 6.68 dwelling units per acre on the 63.29 acres, and a density transfer of 6.68 dwelling units per acre from the 65.58 acres of Conservation directly adjacent to the RM); and shall be subject to other applicable land development regulations within the City. (Ordinance 1239-A, December 9, 2008, adoption)

3d. Mixed Use: The primary function of the Mixed Use classification is to apply to developments in which a mix of residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.

- de.** The primary function of the Commercial classification is to accommodate the shopping needs of residents living in and near Polk City. The Commercial classification permits neighborhood service commercial uses; and accommodates traditional retail commercial needs of the market area both along the highway and in the downtown

core of the market area. This category permits schools and other public uses appropriate to commercial areas. Floor area ratio for commercial structures shall not exceed 0.35.

- ef. The primary function of the Industrial classification is to accommodate the industrial needs of the market area, both light industry and heavy industry. This category permits vocational and technical schools and other public uses appropriate to industrial areas. Floor area ratio for industrial structures shall not exceed 0.35.
- fg. The primary function of the Public Uses classification is to provide for areas for existing or future government-owned or leased buildings or grounds including schools, libraries, medical facilities, parks and open space areas; and private buildings or grounds such as hospitals, camps, clubs, private schools, museums and similar land uses. Floor area ratio for public and private use structures under this classification shall not exceed 0.35. For schools, one residential unit per school is permitted to accommodate an on-site security guard/ caretaker. For parks, one residential unit per 40 acres is permitted to accommodate an on-site security guard/ park ranger.
- gh. The primary function of the Recreation classification is to provide for areas for existing or future public parks, recreation uses and open space areas. Permitted uses include public open space, recreation areas and parks; and private parks and recreation uses, such as golf courses. All recreation uses within Polk City shall be included in this category. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings plus all impervious surface area shall not exceed 5% of the total parcel.
- hi. The primary function of the Conservation classification is to protect natural resources, improve lake, river and groundwater quality. The Conservation designation includes land within the 100-year floodplain of any lake or river; wetlands; soils-limited areas; wellhead protection areas; and ancient scrub lands. No development is allowed in conservation areas. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and all impervious surface shall not exceed 1% of the total land area of the parcel. No other uses are allowed in this classification.
- ij. The primary function of the Conservation/Passive Recreation classification is to protect natural resources while allowing passive recreation. Commercial uses such as equipment rental shops and snack huts are permissible to serve the users of the recreation area. Passive recreation land uses, such as boat docks, beaches and hiking trails are permissible. One dwelling unit per park is allowed for caretakers and park rangers, with the density not to exceed one dwelling unit per 20 acres. Maximum lot coverage by buildings and

all impervious surface shall not exceed 1% of the total land area of the parcel.

- jk. Public schools are allowed in all land use classifications except Polk City's Future Land Use classifications of Conservation and Conservation/ Passive Recreation. This provision applies to lands contiguous to existing schools, as well as development of vacant land for new schools. Further, Polk City hereby encourages the co-location of public facilities such as parks, libraries, and community centers, with schools, when planning and reviewing a proposed site for new or expanded facilities, and shall adopt criteria for collocation in the Unified Land Development Code.

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission **transmit** Ordinance 2019-06 to the Florida Department of Economic Opportunity for review.
2. I move the City Commission **transmit with changes** Ordinance 2019-06 to the Florida Department of Economic Opportunity for review.
3. I move the City Commission **not transmit** Ordinance 2019-06 to the Florida Department of Economic Opportunity for review.

**City Commission Meeting
September 16, 2019**

AGENDA ITEM #2:

PUBLIC HEARING–Ordinance 2019-07 – Amend the Polk City Land Development Code; Amend Article 2, Regulations for Specific Districts, including adding a new zoning district as Section 2.04.02.17 MU Mixed Use District. Second and Final Reading

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Public Hearing – Ordinance 2019-07 - An Ordinance of Polk City, Florida, Amending the Polk City Land Development Code; Amending Article 2, Regulations for Specific Districts, including adding a new zoning district as Section 2.04.02.17 MU Mixed Use District; Second and Final Reading.

ATTACHMENTS:

-Ordinance 2019-07
-Staff Overview Report

ANALYSIS:

Ordinance 2019-07 is a City-initiated text amendment to the Polk City Comprehensive Plan to add a new zoning district as Section 2.04.02.17 MU Mixed Use District.

The City Commission approved First Reading of this Ordinance on August 19, 2019.

STAFF RECOMMENDATION:

Adopt Ordinance 2019-07 on Second and final Reading

ORDINANCE 2019-07

AN ORDINANCE OF POLK CITY, FLORIDA, AMENDING THE POLK CITY LAND DEVELOPMENT CODE; AMENDING ARTICLE 2, REGULATIONS FOR SPECIFIC DISTRICTS, INCLUDING ADDING A NEW ZONING DISTRICT AS SECTION 2.04.02.17 MU MIXED USE DISTRICT; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. FINDINGS AND INTENT. In adopting this Ordinance and amending the City's Unified Land Development Code, the City Commission of Polk City, Florida hereby makes the following findings:

(1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.

(2) Pursuant to state law, the City adopted a unified land development code ("Land Development Code").

(3) The City has prepared a text amendment to Article 2 – Regulations for Specific Districts to Table 3 – Zoning Districts Name and Section 2.04.02.17 adding the new Mixed Use Zoning District.

(4) The City Commission of Polk City has determined it necessary and desirable to amend the regulations to allow for the new Mixed Use Zoning District.

(5) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held duly advertised and noticed public meetings and hearings to obtain public comment for the purpose of amending the Unified Land Development Code as presented in the exhibit attached to and incorporated in this Ordinance as Exhibit "A".

(6) Having considered written and oral comments received during public hearings, the City Commission find the changes necessary and appropriate to the needs of the City.

(7) The City Commission finds that the proposed text amendment to the Land Development Code is in the best interests of the health, safety, and welfare of the general public and the City's residents, further the purposes of, and is consistent with the City's Land Development Code, and is consistent with and compliant with State law, including, but not limited to Chapter 163, Part II, Florida Statutes.

SECTION 2. LAND DEVELOPMENT CODE AMENDMENT. Article 2 – Regulations for Specific Districts is hereby amended to include the text set forth in Exhibit "A", which is attached hereto and included herein by reference, which amends Table 3 and creates a new Section 2.04.02.17 MU Mixed Use Zoning District.

SECTION 3. SEVERABILITY. If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

SECTION 4. CONFLICTS. All existing ordinances or parts of existing ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 5. CODIFICATION. An official, true and correct copy of this Ordinance and the City's Comprehensive Plan, as adopted and amended from time to time, shall be maintained by the City Clerk. The City Clerk will make copies available to the public for a reasonable publication charge.

SECTION 6. EFFECTIVE DATE. This Ordinance shall be effective 10 days after passage upon Second Reading.

INTRODUCED, PASSED on FIRST READING, this 19th day of August, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia R. Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ___ day of _____, 2019.

Joe LaCascia, Mayor

ATTEST:

Patricia R. Jackson, City Manager/Clerk

POLK CITY ORDINANCE 2019-07

EXHIBIT "A"
AMENDMENTS TO

ARTICLE 2 - REGULATIONS FOR SPECIFIC DISTRICTS

The proposed amendments to the Land Development Code (LDC) are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

Table 3 – Zoning Districts Map Designation	Zoning District Name
AG1	Agriculture
AG2	Single Family Residential Plus Horses
R1	Single Family Residential
R2	Single Family Residential
R3	Single Family and Duplex Residential
R4	Mixed Residential Use
R5	Multi Family Residential
MH	Mobile Home Park
C1	Residential, Business and Professional District
C2	General Commercial
M1	Light Industrial
M2	Heavy Industrial
PB	Public Buildings and Grounds
PR	Public Recreation
CON	Conservation
PD	Planned Unit Development
<u>MU</u>	<u>Mixed Use</u>

2.04.02 Establishment of Zoning Districts

The following zoning designations are hereby established within the City of Polk City:

2.04.02.17 MU Mixed Use District

(A) FLUM Designation:
Mixed Use

(B) Purpose:

To designate areas within Polk City in which proposed development encompasses a mix of residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.

(C) Permitted Principal Uses & Structures:

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4 in the residential and commercial zoning districts. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

(D) Accessory Uses:

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(F) Other Requirements: none.



TEXT AMENDMENT

**TEXT AMENDMENT
OF THE
POLK CITY LAND DEVELOPMENT CODE**

JUNE 17, 2019

TO: POLK CITY PLANNING COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 2019-07: City-initiated text amendment to the Polk City Land Development Code** to add the “Mixed Use” Zoning District to Article 2 – Regulations for Specific Districts.

AGENDA & HEARING DATES:

May 30, 2019 at 6:00 PM: Planning Commission Hearing

June 17, 2019 at 7:00 PM: City Commission (First Reading, Public Transmittal Hearing)

August 19, 2019: City Commission Meeting (Second Reading, Public Adoption Hearing)

AGENDA & HEARING DATES:

On Thursday, May 30, 2019, the Polk City Planning Commission held a public Hearing to amend the Polk City Comprehensive Plan to create a new Zoning District titled of Mixed Use. The Planning Commission voted unanimously to forward the proposed amendment to the City Commission with a recommendation of approval.

CITY COMMISSION MOTION OPTIONS:

1. I move the City Commission **approve** Ordinance 2019-07 on First Reading.
2. I move the City Commission **approve with changes** Ordinance 2019-07 on First Reading.

3. I move the City Commission **deny** Ordinance 2019-07 on First Reading.

OVERVIEW REPORT:

Article 2 of the Polk City Land Development Code currently provides for the following Zoning Districts within the Green Swamp Exemption Area of the City.

Table 3 – Zoning Districts Map Designation	Zoning District Name
AG1	Agriculture
AG2	Single Family Residential Plus Horses
R1	Single Family Residential
R2	Single Family Residential
R3	Single Family and Duplex Residential
R4	Mixed Residential Use
R5	Multi Family Residential
MH	Mobile Home Park
C1	Residential, Business and Professional District
C2	General Commercial
M1	Light Industrial
M2	Heavy Industrial
PB	Public Buildings and Grounds
PR	Public Recreation
CON	Conservation
<u>PD</u>	<u>Planned Unit Development</u>
<u>MU</u>	<u>Mixed Use</u>

Staff has determined that a new Zoning District of “Mixed Use” should be added to the Land Development Code. Mixed Use will allow for developments that are comprised of multiple or mixed uses which require specific or selected land use districts. This type of flexible land use category is not set forth by the City’s existing Zoning Districts.

The proposed text to be added to Section 2.04.02 of Article 2 of the Land Development Code. All subsequent regulations will be renumbered.

PROPOSED AMENDMENTS

The proposed amendments to the Comprehensive Plan are provided below. Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

2.04.02 Establishment of Zoning Districts

The following zoning designations are hereby established within the City of Polk City:

2.04.02.17 MU Mixed Use District

(A) FLUM Designation:

Mixed Use

(B) Purpose:

To designate areas within Polk City in which proposed development encompasses a mix of residential and non-residential uses (commercial, office, light industrial, institutional, and civic uses) are planned. Such development shall be served by central water and wastewater services. A balanced mix of residential and non-residential uses including residences, shops, work places, parks, and other urban uses shall allow for internal capture of daily trips as well as interconnectivity for vehicle and pedestrian access.

(C) Permitted Principal Uses & Structures:

Uses permitted in this district are detailed in the Table of Land Uses in Section 2.04.01, Table 4 in the residential and commercial zoning districts. Permitted uses are designated by the letter "P". Uses designated by the letter "D" are also permitted, but require the submission and approval of a Site Development Plan prior to application for a Development Permit. Review of an application for approval of a Site Development Plan is governed by Article 7.

(D) Accessory Uses:

Accessory uses and structures customarily incidental and subordinate to permitted principal uses and structures; provided, however, that no accessory structures shall be located on property other than that on which the principal structure is located. Section 2.05 contains detailed guidance and regulations for permitted accessory uses.

(E) Development Standards: Development standards for uses in this district are detailed in the Table of Development Standards in Section 2.04.01, Table 5. Specifically, standards are established for Maximum Density; Minimum Lot Size; Minimum Lot Width; Minimum Lot Depth; Minimum Floor Area; Floor Area Ratio (as applicable); Setbacks; Maximum Lot Coverage; and Maximum Building Height.

(F) Other Requirements: none.

**City Commission Meeting
September 16, 2019**

AGENDA ITEM #3:

PUBLIC HEARING—Ordinance 2019-12 – Amend the Polk City Code of Ordinances and the Unified Land Development Code of Polk City, Florida, amending Article 3, Development Design and Improvement Standards, to add a new section 3.08.00, Water Conservation for Landscape Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements; First Reading

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Ordinance 2019-12 is AMENDING ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, TO ADD A NEW SECTION 3.08.00, WATER CONSERVATION FOR LANDSCAPE IRRIGATION, IRRIGATION SYSTEM DESIGN AND INSTALLATION STANDARDS, AND EFFICIENT PLUMBING REQUIREMENTS

ATTACHMENTS:

- Ordinance 2019-12
- Staff Overview Report

ANALYSIS:

Is a City-initiated text amendment to add procedures and standards for water conservation. This includes adding a new Section 3.08.00 to Article 3, development Design and Improvement Standards.

The new Section 3.08.00 addresses Water Conservation for Landscaping Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements.

This process was recently implanted as part of the PUD granted to the property known as “The Landings at Mt. Olive.”

STAFF RECOMMENDATION:

Adopt Ordinance 2019-12 on First Reading

ORDINANCE 2019-12

AN ORDINANCE OF POLK CITY, FLORIDA; AMENDING THE POLK CITY CODE OF ORDINANCES AND THE UNIFIED LAND DEVELOPMENT CODE OF POLK CITY, FLORIDA; AMENDING ARTICLE 3, DEVELOPMENT DESIGN AND IMPROVEMENT STANDARDS, TO ADD A NEW SECTION 3.08.00, WATER CONSERVATION FOR LANDSCAPE IRRIGATION, IRRIGATION SYSTEM DESIGN AND INSTALLATION STANDARDS, AND EFFICIENT PLUMBING REQUIREMENTS; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF POLK CITY, FLORIDA:

SECTION 1. COMMISSION FINDINGS. In adopting this Ordinance and modifying the Polk City Code and the therein-incorporated Unified Land Development Code, the City Commission of Polk City, Florida, hereby makes the following findings:

- (1) Section 163.3167(c), Florida Statutes, empowers the City to adopt land development regulations to guide the growth and development of the City.
- (2) The City Commission recognizes the need for procedures and regulations for the review and consideration of conditional use permits within Polk City.
- (3) The City Commission has determined that having the ability to issue conditional use permits will provide additional flexibility and enforceability for the City Commission in its review and implementation of its Unified Land Development Code.
- (4) Pursuant to Section 166.041(c)2, Florida Statutes, the Planning Commission and the City Commission have held meetings and hearings to amend the Unified Land Development Code as presented in the attached exhibit, such exhibit attached as Exhibit "A" and made a part hereof.
- (5) The meetings were advertised and held with due public notice, to obtain public comment; and having considered written and oral comments received during public hearings, find the changes necessary and appropriate to the needs of the City.

SECTION 2. CREATION OF SECTION 3.08.00, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Section 3.08.00, Unified Land Development Code, is hereby created to read as follows:

“Section 3.08.00 Water Conservation for Landscape Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements

3.08.01 Intent and Purpose

It is the intent and purpose of this Section to implement uniform procedures that promote water conservation through more efficient landscape irrigation and the installation of more efficient plumbing fixtures.

3.08.02 Definitions

For the purposes of this Section, the following words, and terms shall have the meaning given herein:

- 1) Automatic irrigation system. An irrigation system designed to operate following a preset program entered into an automatic controller.
- 2) Distribution equipment. The water emitters on irrigation systems, including but not limited to sprinklers, rotors, spray heads and micro-irrigation devices.
- 3) ENERGY STAR® (“Energy Star”). For this Section, Energy Star is the joint program of the U.S. Environmental Protection Agency and the U.S. Department of Energy, which certifies products and practices that protect the environment and lead to money saving through energy and water conservation.
- 4) Florida Water Star® (“Florida Water Star”). A program for new residential and commercial construction that is intended to provide indoor and outdoor water efficient options and help prevent leaks.
- 5) Florida Water Star Inspector. A person who verifies Florida Water Star program criteria in accordance with program documents. Inspectors demonstrate sufficient knowledge to verify appropriate subcategories, such as; irrigation, landscape, and plumbing, and have passed the inspector exam and are current with their CEUs per the requirements of the Florida Water Star program. Inspectors are accredited parties who may inspect irrigation systems modified or installed by irrigation professionals.
- 6) Florida Water Star Irrigation and Landscape Accredited Professional. A landscape or irrigation professional who has successfully passed the Florida Water Star accredited professional

exams for landscaping and irrigation and is currently in good standing with the program.

- 7) Head to head coverage. The spacing of sprinkler heads so that each sprinkler throws water to the adjacent sprinkler.
- 8) High volume irrigation. An irrigation system with a minimum flow rate per emitter of more than 30 gallons per hour (“GPH”) or higher than 0.5 gallons per minute (“GPM”). High volume emitter flow rates are usually measured in GPM.
- 9) Irrigation professional. Any person installing or maintaining an irrigation system in Polk City for payment.
- 10) Irrigation design professional. An irrigation design professional shall include state-licensed plumbers operating within the limits of the Florida Building Code, professional engineers or landscape architects licensed by the State of Florida, Florida Water Star Irrigation and Landscape Accredited Professionals and irrigation designers certified by the Irrigation Association or the Florida Irrigation Society.
- 11) Irrigation system. A set of components that may include the water source, water distribution network, control components, and other general irrigation equipment which has been installed to provide irrigation.
- 12) Landscaped area. The entire parcel less the building footprint, driveways, hardscapes such as decks and patios, and other non-planted areas. Water features are included in the calculation of the landscaped area. Landscaped area includes Florida-Friendly landscaped areas.
- 13) Licensed Irrigation Professional. An irrigation specialty contractor who obtains the irrigation specialty license from the Florida Construction Industry Licensing Board and maintains continuing education requirements.
- 14) Low volume irrigation. Any emitter or sprinkler that applies less than 30 GPH or 0.5 GPM.
- 15) Matched precipitation. Irrigation in which all of the sprinklers in a particular zone apply similar amounts of water to a given area.

- 16) Micro-irrigation. The frequent application of small quantities of water directly on or below the soil surface or plant root zone, usually as discrete drops, tiny streams, or miniature sprays through emitters placed along the water delivery pipes. Micro-irrigation encompasses a number of methods or concepts, including drip, subsurface, bubbler and micro-spray irrigation, previously known as trickle irrigation. Micro-irrigation is typically a form of low volume irrigation.
- 17) Rotors. Sprinkler heads in lawn areas that provide water as they rotate through a set arc of operation.
- 18) Spray heads. Irrigation heads that pop up with water pressure and provide a continuous spray pattern throughout a given arc of operation.
- 19) Substantial modification. Any modification to existing irrigation systems such that 50 percent or more of the irrigation system (by area) is replaced or altered.
- 20) Temporary establishment irrigation. The temporary use of irrigation for the establishment of new vegetation that shall be removed once the plants are established or within two years, whichever occurs first.
- 21) WaterSense. A U.S. Environmental Protection Agency (EPA) program for the management of water supplies by working with manufacturers and retailers to establish efficient plumbing standards, guidelines and certifications.

3.08.03 Efficient Plumbing Requirements

All new residential, commercial and institutional construction contractors obtaining Polk City Building Permits, 60 days after the effective date of this Sections, shall incorporate WaterSense labeled plumbing fixtures, to consist at a minimum of all faucets, showerheads and toilets, and Energy Star labeled appliances, to consist at a minimum of all washing machines and dishwashing machines, into said construction. In applications where WaterSense plumbing fixtures and Energy Star appliances are not available, a written request for an exception must be submitted and approved by the city. For the exception to be approved, a best alternative water and/or energy conservative fixture and/or appliance must be identified in the submittal.

3.08.04 Florida Water Star Certification; Effect

Florida Water Star is a water conservation certification program for new and existing homes and commercial developments that meet specific water-efficiency criteria for indoor fixtures and appliances, landscape design and irrigation systems. Residential and commercial properties obtaining the Florida Water Star Certification will exceed the conservation requirements imposed by this Section. Upon receipt of certification from the Florida Water Star program that a residential or commercial property has obtained the Florida Water Star Certification, the City will not require submission of the Letter of Certification of the Design for an Irrigation System, or the Letter of Completion Certifying compliance with Design for Irrigation System.

3.08.05 Irrigation System Design and Installation Standards

- A. For all new commercial and institutional construction where a new landscape irrigation system will be installed, and for all significant (50% or greater) alteration or rehabilitation of an existing landscape irrigation system, the design and installation of said system, or of a portion of such system, shall be required to be installed or rehabilitated in a manner consistent with this section (“irrigation system standards”).

- B. All new residential irrigation system construction or significant (50% or greater) alteration or rehabilitation of a residential irrigation system shall be consistent with the irrigation systems standards and consistent with the following additional requirements:
 - 1) The maximum total irrigated area on residential lots, regardless of lot size, shall not exceed 0.5 acres. This provision does not apply to temporary irrigation such as portable hoses and sprinklers.

 - 2) High volume irrigation area shall not exceed 60 percent to the landscaped area. This standard is applicable on residential lots over 1/8 acre and commercial lots over 1/8 acre. This standard applies to common areas and open space in developments. This standard excludes vegetable gardens and fruit or nut trees on individual lots or community gardens.

 - 3) Narrow areas, four feet wide or less, shall not be irrigated unless correctly installed irrigation devices are used, as recommended by a licensed irrigation professional, which confine the spray pattern to the area in question.

 - 4) High volume irrigation shall not be used for trees, shrubs, or groundcover beds. Permanent micro-irrigation may be used in

these areas. The county encourages the use of temporary establishment irrigation.

- 5) Irrigation zones shall be divided according to vegetated groupings (e.g., turfgrass, shrubs, native plants, trees) and the water requirements of the plants. Turf grass and landscaped beds, such as trees, shrubs, and groundcover beds, shall not be irrigated in the same zone as each other.
- 6) Sprinkler head types, such as spray heads and rotors, shall not be mixed in the same zone.
- 7) Distribution equipment in a given zone shall have matched precipitation rates.
- 8) Rotors and spray sprinkler heads in turfgrass areas shall be spaced to provide head to head coverage.
- 9) A minimum separation of 24 inches shall be required between distribution equipment and buildings and other vertical structures, except fences.
- 10) A minimum separation of 24 inches shall be required between distribution equipment and buildings and other vertical structures, except fences.
- 11) Technology that inhibits or interrupts operation of the system during periods of sufficient moisture shall be required on all irrigation systems to avoid irrigation during periods of sufficient rainfall. Examples of such devices include soil moisture sensors, weather stations, and rainfall shut off devices. The technology shall override the irrigation cycle when adequate rainfall has occurred. Technology that depends on rainfall for bypassing irrigation shall be placed where it is exposed to unobstructed natural rainfall and in compliance with section 373.62, Fla.Stat., as amended.
- 12) Permanent irrigation systems shall be equipped with an automatic control system to provide the following minimum capabilities:
 - a. Ability to be programmed in minutes, by day of week, season and time of day;
 - b. Ability to accommodate multiple start times and programs;
 - c. Automatic shut off after adequate rainfall;
 - d. Ability to maintain time during power outages; and

- e. Operational flexibility to meet applicable year-round water conservation requirements.
- 13) Check valves which are capable of holding a minimum of a five-foot head shall be used in low-lying areas to prevent head drainage.
- 14) Irrigation system equipment shall be installed in accordance with manufacturer's specifications.
- 15) No direct spray shall be allowed onto walkways, buildings, roadways and drives.
- 16) Pipelines shall be designed to provide the system with the appropriate pressure required for maximum irrigation uniformity.
- 17) All sprinkler heads with spray nozzles (non-rotary) shall be pressure-regulated at the head or zone valve.
- 18) All irrigation system underground piping shall have minimum soil cover of six inches.
- C. All irrigation systems must be properly installed and maintained, and must operate technology such as rain and/or soil moisture sensors which inhibit or interrupt operation of the irrigation systems during periods of sufficient moisture.
- D. Nothing within this Section shall require the installation of an irrigation system. Requirements for installing irrigation systems are specified in other locations within Section 3.07.00 of the Land Development Code.
- E. All irrigation systems shall be designed by an irrigation design professional consistent with the irrigation systems standards and as set forth in this Section.
- F. A "Letter of Certification of the Design for an Irrigation System" by an irrigation design professional certifying the design is consistent with the requirements of this Section shall be required to obtain a building or irrigation permit before issuance of said permit.
- G. A "Letter of Completion Certifying Compliance with Design for Irrigation System" by an irrigation design professional or Florida Water Star

inspector consistent with the design shall be required before issuance of a certificate of completion.

- H. Compliance with this Section shall not exempt an individual from any other local, state or federal requirements.

3.08.05 Maintenance of Irrigation Systems

- A. An irrigation professional responsible for installing or substantially modifying an irrigation system shall provide the property owner with a maintenance checklist affixed to or near the controller and accompanied by a recommended maintenance schedule, proper irrigation system settings according to season, recommendations for checking technology that inhibits or interrupts operation of the system during periods of sufficient moisture, filter cleaning recommendations, if applicable, and information on the current water restrictions.
- B. A property owner shall ensure that irrigation systems on their property are inspected at least annually for leaks, overspray, maladjusted heads, and heads that may be capped due to changes in the landscape, such as maturity or changes in plants. Technology that inhibits or interrupts operation of the system during periods of sufficient moisture may need to be replaced every few years and shall be correctly functioning to be in compliance with this article. Irrigation systems with known leaks shall not be operated until the leaks are repaired, except for testing purposes.
- C. Within 60 calendar days after installation, the property owner shall ensure that the irrigation controller is adjusted to operate according to normal, established landscape conditions or irrigation restrictions, if the irrigation system is installed as part of newly established landscaping.

3.08.06 Exemptions

The following are exempted from the provisions of this article, but should follow applicable Florida-Friendly Best Management Practices for Protection of Water Resources by the Green Industries:

- 1) Bona fide agricultural activities;
- 2) Vegetable gardens and fruit and nut trees;
- 3) Athletic fields;
- 4) Golf course play areas;
- 5) Cemeteries;
- 6) Nurseries; and

7) Temporary establishment irrigation (as defined in Section 3.09.02).

3.08.07 Alternative Compliance

- A. An applicant may submit a proposal that varies from the strict application of the requirements of this Section (also known as “alternative compliance”) in order to accommodate unique site features or characteristics, utilize innovative design, prevent extraordinary hardship, or to promote the overriding public interest or general public welfare. Diminished value of property or inconvenience is not an extraordinary hardship.
- B. An applicant seeking authorization for alternative compliance shall have the burden of demonstrating to the City the reasons why the strict application of the requirements of this Section should not apply.
- C. Requests for alternative compliance shall be submitted as part of the irrigation system approval process.
- D. The City may approve an alternative compliance plan upon finding that the alternative compliance plan fulfills the purpose and intent of this Section at least as well as a plan that strictly adheres to the requirements of this Section.
- E. The City may require a site inspection and corresponding site inspection fee for systems which are installed according to a department-approved alternative compliance plan.

3.08.08 Enforcement

Violation of any provision of this article shall be subject to penalties as provided for by this Code or by local law and compliance with this article may be enforced by any remedy available to the City at law or equity.

SECTION 3. AMENDMENT TO ARTICLE 3, UNIFIED LAND DEVELOPMENT CODE, CONTAINED IN SECTION 78-1, POLK CITY CODE. Sections 3.08.00 through 3.11.00, Unified Land Development Code, shall be amended to be renumbered starting with Section 3.09.00 to accommodate for the new Section 3.08.00

SECTION 4. CODIFICATION OF ORDINANCE. This Ordinance shall be codified in the Code of Ordinances of Polk City, Florida, and incorporated into the Unified Land Development Code which is a part thereof. A certified copy of this enacting ordinance shall be located in the Office of the City Clerk of Polk City. The City Clerk shall also make copies available to the public for a reasonable publication charge.

SECTION 5. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 6. CONFLICTING ORDINANCES AND RESOLUTIONS. All existing ordinances and resolutions of Polk City in conflict with this ordinance are repealed to the extent necessary to give this Ordinance full force and effect.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective immediately upon its passage.

INTRODUCED AND PASSED on FIRST READING, this ___ day of _____, 2019.

POLK CITY, FLORIDA

Joe LaCascia, Mayor

ATTEST:

**APPROVED AS TO FORM AND
CORRECTNESS**

Patricia Jackson, City Manager/Clerk

Thomas A. Cloud, City Attorney

PASSED AND DULY ADOPTED ON SECOND READING, with a quorum present and voting by the City Commission of Polk City, Florida meeting in Regular Session this ___ day of _____, 2019.

Joe LaCascia, Mayor

ATTEST:

Patricia Jackson, City Manager/City Clerk



**TEXT AMENDMENT
TO THE
POLK CITY UNIFIED LAND DEVELOPMENT CODE**

SEPTEMBER 16, 2019

TO: POLK CITY COMMISSION

FROM: CENTRAL FLORIDA REGIONAL PLANNING COUNCIL

SUBJECT: **Ordinance 2019-xx:** City-initiated text amendment to the Polk City Unified Land Development Code to add procedures and standards for water conservation. This includes adding a new Section 3.08.00 to Article 3, Development Design and Improvement Standards.

The new Section 3.08.00 addresses Water Conservation for Landscape Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements.

AGENDA & HEARING DATES:

September 9, 2019 at 5:30 PM: Planning Commission Hearing

September 16, 2019 at 7:00 PM: City Commission (First Reading)

October 21, 2019: City Commission Meeting (Second Reading, Public Adoption Hearing)

PAST ACTIONS:

Polk City Planning Commission: On Monday, September 9, 2019, the Polk City Planning Commission held a public hearing to amend the Polk City Unified Land Development Code to include a new section addressing water conservation. **The Planning Commission voted to forward the proposed amendments to the City Commission with a recommendation of approval.**

MOTION OPTIONS:

Options for motions are listed below.

1. Move to approve Ordinance 2019-xx on First Reading.
2. Move to approve with changes Ordinance 2019-xx on First Reading.
3. Move to deny Ordinance 2019-xx on First Reading.

OVERVIEW

The proposed text amendments to the Polk City Unified Land Development Code bring forward the water conservation tools consistent with the **Florida Water Star Program**. Please note the following regarding this program.

- The **Florida Water Star** is a water conservation certification program for new and existing homes and commercial developments. Standards and guidelines for water efficiency are included for:
 - Indoor fixtures and appliances
 - Landscape design
 - Irrigation systems

- The Florida Water Star program outlines standards for a broad range of homes — from a condominium with no yard to an older home on a half-acre lot with an aging irrigation system — and commercial properties and community developments.

- An independent inspector inspects each project prior to certification. An accredited professional may be used to design the landscape or irrigation system.

- The Florida Water Star Program was developed by the St. Johns River Water Management District in 2006 and became a statewide program in 2012. Most recently, Florida Water Star became part of the Florida Home Builders Association Certified Ratings Program and is now administered by Triconic LLC.

- Florida Water Star can be effectively integrated into projects along with other programs such as ENERGY STAR[®], the Florida Green Building Coalition's (FGBC) green standards, and the U.S. Green Building Council's (USGBC) LEED program. The Florida Water Star prescriptive approach can enhance projects by providing a suite of efficiency practices that focus on water use areas specific to Florida.

- For more information, please refer to the Florida Water Star website at www.floridawaterstar.com/

OVERVIEW OF PROPOSED AMENDMENTS:

An outline of the proposed amendments to the Polk City Unified Land Development Code is provided below. *The Ordinance provides the full text proposed.*

Article 3, New Section 3.08.00 – Water Conservation for Landscape Irrigation, Irrigation System Design and Installation Standards, and Efficient Plumbing Requirements

This new Section provides for the following subsections.

Section 3.08.01 *Intent and Purpose:* Implement procedures to promote water conservation through more efficient landscape irrigation and installation of more efficient plumbing fixtures.

Section 3.08.02: *Definitions:* This section provides for definition of the following terms.

- 1) Automatic irrigation system.
- 2) Distribution equipment.
- 3) ENERGY STAR® (“Energy Star”).
- 4) Florida Water Star® (“Florida Water Star”).
- 5) Florida Water Star Inspector.
- 6) Florida Water Star Irrigation and Landscape Accredited Professional.
- 7) Head to head coverage.
- 8) High volume irrigation.
- 9) Irrigation professional.
- 10) Irrigation design professional.
- 11) Irrigation system.
- 12) Landscaped area.
- 13) Licensed Irrigation Professional.
- 14) Low volume irrigation.
- 15) Matched precipitation.
- 16) Micro-irrigation.
- 17) Rotors.
- 18) Spray heads.
- 19) Substantial modification.
- 20) Temporary establishment irrigation.
- 21) WaterSense.

Section 3.08.03: *Efficient Plumbing Requirements:* This section provides requirements for all new residential, commercial and institutional construction.

Section 3.08.04: *Florida Water Star Certification; Effect:* This section provides information specific to the Florida Water Star certification.

Section 3.08.05: *Irrigation System Design and Installation Standards:* This section provides requirements for irrigation for commercial, institutional and residential construction.

Section 3.08.06: *Maintenance of Irrigation Systems:* This section provides addresses upkeep of irrigation systems.

Section 3.08.07: *Exemptions:* This section provides exemptions to Section 3.08.00.

Section 3.08.08: *Alternative Compliance:* This section provides information for alternative compliance methods.

Section 3.08.09: *Enforcement:* This section addresses penalties if there is a violation to these regulations.

**City Commission Meeting
September 16, 2019**

**AGENDA ITEM #4: BID AWARD – REPLACEMENT OF HYDROPNEUMATIC TANKS – MT.
 OLIVE ESTATES WTP**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Bid Award – Replacement of Hydropneumatic Tanks – Mt. Olive Estates WTP

ATTACHMENTS:

Bid Tabulation

ANALYSIS:

Sealed Bids for the replacement of two (2) Hydropneumatic Tanks at the Mt. Olive Estate WTP (Jacobs Plant), were received and opened on September 10, 2019. There were a total of eight bids.

The low bid is from Jan & Jeff Services Inc. in the amount of \$124,934.00; the bids are on file in the City Manager's Office.

STAFF RECOMMENDATION:

Move to approve the bid of Jan & Jeff Services in the amount of \$124,934.00 for the replacement of two Hydropneumatic Tanks at the Mt. Olive Estates WTP.

**Bid Tabulation Sheet
for September 10, 2019**

Hydropneumatic Tank Work

Company Name	Bid Amount
Jan & Jeff Services Inc.	\$124,934
Utility Technicians	\$127,074
Mack Concrete	\$142,300
Dunham Well Drilling	\$159,495
CenState Contractors	\$159,600
Killebrew, Inc.	\$177,500
Close Construction	\$198,112
TLC Diversified	\$219,200

**City Commission Meeting
September 16, 2019**

**AGENDA ITEM #5: PRESENTATION OF FINANCIAL STATEMENT FOR YEAR ENDING
SEPTEMBER 30, 2018**

 INFORMATION ONLY
 X ACTION REQUESTED

ISSUE:

Presentation of Financial Statement for Year Ending September 30, 2018

ATTACHMENTS:

Financial Statement for Year Ending September 30, 2108

ANALYSIS:

Mike Brynjulfson will present the Financial Statement for the year ending September 30, 2018.

STAFF RECOMMENDATION:

Move to accept the Financial Statement for the year ending September 30, 2018.